



Order Filed on January 31, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

ASSUNCAO BROS., INC.,

Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159-CMG

Judge: Hon. Christine M. Gravelle

**ORDER (I) ENFORCING SALE ORDER AGAINST EXTECH BUILDING
MATERIALS, INC. d/b/a LIBERTY BUILDING PRODUCTS ("LIBERTY"), (II)
DETERMINING THAT LIBERTY'S CLAIM AGAINST CONTI ENTERPRISES, INC.'S
SURETY VIOLATES THE SALE ORDER, (III) DIRECTING LIBERTY TO
WITHDRAW THE CLAIM AGAINST THE SURETY, AND (IV) GRANTING
RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATE:

DATED: January 31, 2023



Honorable Christine M. Gravelle
United States Bankruptcy Judge

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DEBTOR: Assuncao Brothers, Inc.

CASE NO: 22-16159-CMG

CAPTION: **Order (I) Enforcing Sale Order Against Extech Building Materials, Inc. d/b/a Liberty Building Products (“Liberty”), (II) Determining that Liberty’s Claim Against Conti Enterprises, Inc.’s Surety Violates the Sale Order, (III) Directing Liberty to Withdraw the Claim against the Surety, and (IV) Granting Related Relief**

THIS MATTER having been brought before the Court upon the motion (the “Motion”)¹ of Vollers Excavating and Construction, Inc. (“Vollers”), the purchaser of substantially all the assets of Assuncao Brothers, Inc. (“ABI” or the “Debtor”), by and through Vollers’ counsel, for entry of an order (i) enforcing the Sale Order against Extech Building Materials, Inc. d/b/a Liberty Building Products (“Liberty”), an ABI supplier on a Subcontract between ABI and Conti Enterprises, Inc. (“Conti”) (ii) determining that Liberty’s claim against Conti’s surety violates the Sale Order, (iii) requiring Liberty to withdraw its claim against Conti’s surety, and (iv) granting related relief; and the Court having jurisdiction over the Debtor’s Subchapter V Case and the Motion under 28 U.S.C. §§ 1334(b) and 157, and the Standing Order of Reference to the Bankruptcy Court Under Title 11 of the United States District Court for the District of New Jersey, dated September 18, 2012 (Simandle, C.J.); and the Court having found and determined that the relief requested in the Motion and provided for herein is proper, lawful, necessary and appropriate; and after consideration of any opposition to the Motion; and for good cause shown, it is hereby

ORDERED that the Motion is granted; and it is further

ORDERED that the Sale Order is enforceable and binding against Liberty; and it is further

ORDERED that Liberty’s claim against Conti’s surety violated the Sale Order; and it is further

ORDERED that, within 10 days of the date hereof, Liberty shall withdraw its claim against Conti’s surety; and it is further

¹ Capitalized terms not otherwise defined shall have the same meaning as set forth in the Motion.

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DEBTOR: Assuncao Brothers, Inc.

CASE NO: 22-16159-CMG

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ORDERED that, if Liberty does not withdraw its claim against Conti’s surety as set forth herein, Conti’s surety shall be authorized to rely on this Order for the purpose of denying the claim in its entirety; and it is further

ORDERED that Extech shall pay \$1,000 to Triff & Mougno, LLC to offset attorney fees incurred by bringing the motion to enforce the sale order.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]